

Remarks

Claims 1-5 and 21-25 have been amended to specify that the nucleic acid molecule be a 'purified nucleic acid molecule'. Support for purified nucleic acid molecules can be found, for example, on page 2, line 5 through line 6, of the specification. Additional support for purified nucleic acid molecules can be found, for example, on page 18, lines 1-5, of the specification which describe the use of a commercial kit in the preparation of an endotoxin-free nucleic acid molecule solution.

Claim 16 has been amended to remove the duplication of the words 'bobcat' and 'lynx'.

Rejections Under 35 U.S.C. § 103

The Examiner has rejected the instant Application under 35 U.S.C. § 103 stating one of skill in the art would have been motivated to combine the teachings of Paoletti and McCluskie to produce the instant invention. Paoletti teaches the use of recombinant poxviruses to induce an immune response in a cat. McCluskie teaches complexing DNA with a cationic lipid.

As stated in the MPEP at 2142, one criteria necessary for establishing a *prima facie* case of obviousness, is that the prior art reference(s) must teach or suggest all the claim limitations. Applicants note that what they are claiming as their invention is a method of eliciting an immune response in cats using the process of DNA vaccination. The key point regarding DNA vaccination is that the DNA is purified away from any organism (e.g. bacteria, viruses) used to generate the necessary construct, prior to its administration into the animal. What is finally administered to the animal is relatively, pure DNA, free of intact organisms and substantially free of contaminating cell debris. Applicants point out that the instant claims have been amended to specify the composition administered to the felid comprise a purified nucleic acid molecule complexed with a cationic lipid. Applicants further note that what Paoletti teaches is a method of eliciting an immune response by administering a recombinant virus, not a purified DNA molecule. Since what Paoletti teaches is the use of recombinant virus, and what the instant claims are drawn to is the use of purified DNA, Applicants contend that Paoletti does not teach any limitation found in the instant claims and, therefore, the use of Paoletti in rejecting the newly amended claims would be in error.


Conclusion

In view of the above arguments, Applicants request the obviousness rejection be withdrawn and solicit an allowance of the instant claims.

If there are any questions, the Examiner is encouraged to contact the undersigned at (970) 493-7272 ext. 4174.

Respectfully submitted,

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